

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON LONG RANGE PLANNING

Call to Order: By **CHAIRMAN MATT MCCANN**, on March 8, 2001 at 5:15 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Rep. Matt McCann, Chairman (D)
Sen. Bob Keenan, Vice Chairman (R)
Sen. Tom A. Beck (R)
Rep. Dave Kasten (R)
Sen. Jon Tester (D)
Rep. Steve Vick (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jane Hamman, OBPP
Andrea Hyatt, Committee Secretary
Brian McCullough, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: HB 5; HB 14

{Tape : 1; Side : A; Approx. Time Counter : 0 - 23}

CHAIRMAN MCCANN opened the meeting for Executive Action. He stated that whatever this committee does with Department of Justice, it will have to be re-heard in the full appropriations committee. Therefore, he will refer it to **CHAIRMAN VICK** of the House Appropriations Committee, who will schedule their HB 577 to be heard in full appropriations. That way it will not have to be discussed twice.

{Tape : 1; Side : A; Approx. Time Counter : 28}

CHAIRMAN MCCANN informed the committee that they would be discussing Fish, Wildlife and Parks (FWP) and their remaining HB 5 considerations and to make a decision. Then tomorrow night they will discuss the buildings and complete HB 5 and HB 14; unless there is some need to discuss something tonight.

{Tape : 1; Side : A; Approx. Time Counter : 39}

CHAIRMAN MCCANN requested FWP to discuss the Pompey's Pillar project.

Doug Monger, FWP, informed the committee that they were approached by the Friends Of Pompey's Pillar to assist in their project. He described the project and funding. His sole concern with this project is that state parks would be a co-signor to the bond; currently the organization does not have cash in the bank and the only visible means of loan repayment would be from the gift shop. **Jane Hamman** provided the amendment #1427 (lower right corner). **EXHIBIT(jlh53a01)** This would be a \$1 million general obligation bond; the cost of that would be \$81,061.00 per year starting in FY '04, no cost in the '03 biennium. As it is written, it is general funds. She provided further details. Discussion followed.

CHAIRMAN MCCANN stated that at this time he would not entertain a motion to put this in HB 5; and to set aside the amendment unless someone would want to make a motion. Discussion followed.

{Tape : 1; Side : A; Approx. Time Counter : 204-440}

CHAIRMAN MCCANN stated that they would next discuss the Eastmont contingency language. **Brian McCullough** provided the background and purpose of the contingency language. **EXHIBIT(jlh53a02)** Discussion followed.

{Tape : 1; Side : A; Approx. Time Counter : 442}

Jane Hamman provided a letter from the department at their request. **EXHIBIT(jlh53a03)**

{Tape : 1; Side : A; Approx. Time Counter : 469}

Motion: **SEN. TESTER** moved that they delete lines 9 and 10 on page 3: Paving and Improvements at Eastmont, Glendive.

Motion/Vote: **SEN. TESTER** moved **TO DELETE LINES 9 AND 10 , PAGE 3, HB 5 BE ADOPTED AS AMENDED.** Motion carried 5-1 with Kasten voting no.

{Tape : 1; Side : A; Approx. Time Counter : 483}

CHAIRMAN MCCANN stated the next project to discuss would be the Makoshika Park mineral rights, surface and sub-surface rights. He provided a quick overview of the project and the need for FWP to use their authority to buy private land mineral rights and they would like some clarification on the purchase of county land and mineral rights. Discussion followed. **Doug Monger** provided answers.

{Tape : 1; Side : B; Approx. Time Counter : 0}

Doug Monger continued his responses. He provided a map of the areas involving mineral rights within the park.

EXHIBIT(jlh53a04) He explained their authority to buy the mineral rights and provided a copy of HB 341 that was passed during the 56th Legislature. **EXHIBIT(jlh53a05)** Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 154}

Motion: **CHAIRMAN MCCANN** stated he would entertain a motion to give the authority to FWP to use their \$100,000.00 appropriation to purchase the land and mineral rights from Dawson County. **REP. KASTEN** stated he would make that motion; then questioned if the commissioners were involved in the negotiations or anyone else and how does that work, is there a public notice. **Jeff Hagener, FWP,** responded. Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 220-260}

CHAIRMAN MCCANN stated that his motion only speaks to the \$100,000.00; did the committee want to give additional authority to reach beyond that. **Brian McCullough** questioned if they had other funding to use and would they need more authority from this committee to leverage those other funds. **Doug Monger** responded. Discussion followed.

{Tape : 1; Side : B; Approx. Time Counter : 269}

Motion/Vote: **REP. KASTEN** moved **TO GIVE THE FISH, WILDLIFE AND PARKS THE AUTHORITY TO USE THEIR \$100,000.00 APPROPRIATIONS TO PURCHASE LAND AND MINERAL RIGHTS FROM DAWSON COUNTY. BE ADOPTED.** Motion carried unanimously.

{Tape : 1; Side : B; Approx. Time Counter : 277}

Motion: **REP. KASTEN** presented an amendment #530 (lower right hand corner) and explained the purpose: to strike the Lewis &

Clark Bicentennial project in HB 5. With this action Amendment #528 to change the funding of this line to State Special Funding that uses bed tax is withdrawn by the committee. He moved the amendment. **EXHIBIT(jlh53a06)**

{Tape : 1; Side : B; Approx. Time Counter : 326}

CHAIRMAN MCCANN questioned all in favor of **REP. KASTEN'S** amendment to remove the bed tax as well as the Lewis & Clark Bicentennial project in HB 5.

Motion/Vote: **REP. KASTEN** moved **TO ADOPT AMENDMENT #530 TO REMOVE THE BED TAX AND THE LEWIS & CLARK BICENTENNIAL PROJECT IN HB 5. BE ADOPTED AS AMENDED.** Motion carried 5-1 with Keenan voting no.

{Tape : 1; Side : B; Approx. Time Counter : 340-518}

CHAIRMAN MCCANN stated that the next discussion will be on the FWP easement and encouraging the FWP to offer term easements. **EXHIBIT(jlh53a07)** Discussion followed. **Paul Sihler, FWP,** provided responses.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Paul Sihler continued his response.

{Tape : 2; Side : A; Approx. Time Counter : 38}

Motion: **SEN. BECK** motioned for the FWP department to experiment with a term easement; they are not mandating that they do term easements; but that it should be offered as an alternative. Discussion followed. **Paul Sihler** explained the difference between an easement and a lease. Typically with a lease you are leasing some use; with an easement you are trying to prevent something from happening. With a lease, there is no effect on the title of the land; with an easement it is filed in the county and is an encumbrance upon the land. State law provides for perpetual easements; term easements have to be a minimum of 15 years and can be renewed. Discussion followed.

CHAIRMAN MCCANN re-stated **SEN. BECK'S** motion and that it does not set any parameters. Discussion followed.

{Tape : 2; Side : A; Approx. Time Counter : 116}

Motion Amended: **SEN. BECK** amended his motion to include parameters. He moved it to read fifty years at fifty percent of the value. **Brian McCullough** re-read the entire motion: move to

have FWP offer an option of a term easement when offering perpetual easements; the term easement would be for 50 years and 50% of the value of the perpetual.

{Tape : 2; Side : A; Approx. Time Counter : 137}

Motion/Vote: SEN. BECK moved TO HAVE FWP OFFER AN OPTION OF A TERM EASEMENT WHEN OFFERING PERPETUAL EASEMENTS; THE TERM EASEMENT WOULD BE FOR 50 YEARS AND 50% OF THE VALUE OF THE PERPETUAL. BE ADOPTED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 142}

CHAIRMAN MCCANN offered SEN. KITZENBERG to present his amendment. SEN. KITZENBERG presented an amendment #531 (lower right corner) to HB 5. **EXHIBIT(jlh53a08)** The purpose of this amendment is to provide for the construction of the addition to the Fort Peck Dam Interpretive Center and Museum and I-MAX theater. He then described in detail the project and his hopes of attaining a State park in his Region 6. Discussion followed. The bill had just been read over the rostrum today and referred to the Finance Committee. **REP. VICK** stated that the Finance Committee can make the decision; if they pass it, then this committee will discuss putting it in HB 5. **CHAIRMAN MCCANN** stated that he should follow the process and see what the Finance Committee decides and appreciates his comments.

The meeting was adjourned.

ADJOURNMENT

Adjournment: 6:45 P.M.

REP. MATT MCCANN, Chairman

ANDREA HYATT, Secretary

MM/AH

EXHIBIT (j1h53aad)